

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**KING LINCOLN BROWNSVILLE
NEIGHBORHOOD ASSOCIATION, *et al***

Plaintiffs,

V.

JENNIFER L. BRUNNER, *in her official capacity as Secretary of State,*

Defendants.

Case No. 2:06-CV-00745

JUDGE ALGENON L. MARBLEY
Magistrate Judge Kemp

ORDER

On May 25, 2011, this Court held a status conference to address several discovery matters. Specifically, Plaintiffs requested that this Court allow them to depose Karl Rove and local Chamber of Commerce representatives. This Court **DENIES** Plaintiffs' request to depose Karl Rove because his testimony is not sufficiently relevant to any of the Plaintiffs' claims.

Regarding the request to depose Chamber of Commerce representatives, the Court set a briefing schedule to gather further information. Accordingly, the Plaintiffs are hereby

ORDERED to file a brief addressing three issues: (1) whether the 11th Amendment to the Constitution precludes subject matter jurisdiction before this Court; (2) the factual and legal bases for deposing local Chamber of Commerce members; and (3) the evidentiary basis for the Secretary of State to continue storing ballots retained from the 2004 election. Specifically, Plaintiffs are to set forth evidence of voting irregularities in the counties whose ballots are being stored by the Secretary of State. Plaintiffs have until June 24, 2011 to file their brief. Defendants

have until July 15, 2011 to file its memorandum contra, and Plaintiffs have until July 22, 2011 to file their reply memorandum in support of their motion.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

Dated: May 25, 2011